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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/875,303

Applicant(s)

HUEBNER ET AL.

Examiner

Gay Ann Spahn

Art Unit

3635

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001 and 19 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 06 June 2001

DETAILED ACTION

Reissue Applications

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

Applicants have listed their at least one error upon which reissue is based in their declaration to be "Claim 22 is invalid under 35 U.S.C. Section 112, Paragraph 1, as being indefinite, in that the limitation 'said connector block' appearing at Col. 13, line 14, thereof lacks antecedent basis."

First, the examiner notes that "indefiniteness" is a standard with respect to 35 U.S.C. § 112, second paragraph, not 35 U.S.C. § 112, first paragraph.

Second, there is absolutely no 35 U.S.C. § 112, second paragraph, indefiniteness problem with respect to the recitation of "said connector block" in claim 22.

Additionally, the examiner notes that Applicants have added new claims 25-31 in a "Revised Preliminary Amendment" filed on 19 September 2007. New claims 25-30 are either directly or indirectly dependent upon independent claim 22 which is alleged to have the error upon reissue is based and new claim 31 is directly dependent upon independent claim 1 which is not alleged to have any error upon which reissue is based. No error with respect to why new claims 25-31 need to be added has been given.

Claims 1-31 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 06 June 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

(1) reference numeral "86" has been used to designate both "dress filler plug" (col. 6, line 45) and "door " (col. 6, line 61).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because:

- (1) Figs. 13, 24, 27, and 33 are exploded views and therefore, must have the separated parts thereof embraced by a bracket as required by 37 C.F.R. § 1.84(h)(1);
- (2) Fig. 24, the leftmost occurrence of reference numeral "54" should be changed to reference numeral --50-- in order to represent the "flange" or else the lead line should be redrawn to end in an arrow and point to the flange/bolt combo (similar to as is done in Fig. 13);
- (3) Fig. 24, the rightmost occurrence of reference numeral "54" should be changed to reference numeral --52-- to represent the "bolt" or else the lead line should be redrawn to end in an arrow and point to the flange/bolt combo (similar to as is done in Fig. 13);
- (4) Fig. 3, if the quarter-circle towards the bottom of the figure is to indicate the position of a door when open, it should be shown in phantom lines and perhaps have an arrow to show direction (i.e., as shown it appears to be indicating a ninety degree angle without being fully explained in the specification);
- (5) Fig. 3, if the circles around the wall intersections are to indicate where detailed views are taken from, they should be labeled as such or else the circles should be removed from the figure;

(6) Fig. 5, reference numeral "130" " on the left-hand side of the figure has no lead line; and

(7) the examiner notes that according to the Manual of Patent Examining Procedure (MPEP) § 608.01(g), second paragraph:

The reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. In the latter case, the reference character, applied to the given part, with a prime affixed may advantageously be applied to the modification.

Applicants have correctly applied this standard to Figs. 7-9 in giving the batten and its modifications reference numerals 40, 40', and 40", but have not applied it correctly in other figures (for instance in Figs. 1, 2, and 33, Applicants have given the adjacent vertical posts reference numerals 12 and 12' and adjacent horizontal posts reference numerals 112 and 112' when these posts are of the same embodiment or species, and this is confusing and correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

(1) Fig. 1, reference numeral "102" is not in the specification (i.e., it is believed that reference numeral "102" should be changed to --202--).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. (Emphasis added).

The abstract of the disclosure is objected to because:

(1) the abstract is not narrative in form (i.e., the first sentence appears to be in claim form in that it is one, long run-on sentence); and

(2) line 20, the word "said" is legal phraseology and should be changed to –the--.

Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 22 and 29 is objected to because of the following informalities:

(1) claim 22, line 11, the word "configured" is not grammatically correct and should be changed to –configured--; and

(2) claim 29, line 2, the word "includes" is not grammatically correct and should be changed to –include--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-16, 18, and 21-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, lines 1-2, the recitation of "two opposite sides of said post each have said elongated groove" is vague, indefinite, and confusing as lacking antecedent basis because claim 1 has already introduced "an elongated post having a plurality of sides, at least one of said sides having an elongated groove" so that it is not clear if the "two opposite sides" is referring back to the "plurality of sides" or is in addition thereto. Further, it is not understood how "said elongated groove" could be in two opposite sides?

Claim 5, lines 3-4, the recitation of "including a pair of said elongated battens" is vague, indefinite, and confusing as lacking antecedent basis because only a single elongated batten has been introduced in claim 1 and it is not clear how many battens are being recited. One in addition to the one introduced in claim 1 or a pair?

Claim 7, lines 1-3, the recitation that "said post has two sides opposite to each other, adjacent to and orthogonal to said at least one side" is vague, indefinite, and confusing as lacking antecedent basis. Are the two sides part of the plurality of sides or in addition thereto?

Claims 8 and 9, lines 1-2, the recitation that "said post has four sides" is vague, indefinite, and confusing as lacking antecedent basis because it is not clear if these four sides are part of the plurality of sides or is in addition thereto.

Claim 18, lines 1-2, the recitation that "said post has a door-closer-arm-receiving track" is vague, indefinite, and confusing as not being understood. The specification states that a horizontal "door jamb" (141) as shown in Fig. 28 includes a "track" (143c) to receive a door closure arm. However, it is not seen where any of the different embodiments of the "posts" shown and described in the specification would include a track for a door closure arm?

Claim 21, lines 1-2, the recitation of "an enclosure cap attached over and covering at least part of said batten T-slot" is vague, indefinite, and confusing as not being understood. How can the enclosure cap be covering at least a part of the batten T-slot if the "T-bolt nuts" are "in said cavity of said batten central body, and T-bolts" are "threadably connected to said T-bolt nuts" as specifically recited in claim 1?

Claim 22, line 5 and line 12, "a first connector block" is recited twice and the same structure cannot be introduced twice in a single claim.

Claim 22, line 17, the recitation of "said connector block" has not been changed to --said first connector block-- and the examiner notes that if the "said connector block" in line 14 is an error for which reissue is appropriate so that Applicants are amending "said connector block" in that line to --said first connector block--, then this change should also be made to "said connector block" in line 17.

Claim 31, lines 2-3, the recitation of "said elongated groove threadingly receiving said fastener to attach said batten to said post" is vague, indefinite, and confusing as not being understood. Isn't it the "channel" (34) in Fig. 4 that threadingly receives the fastener and not the "groove" (30)?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13, 14, 17-21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over SIMON, JR. ET AL. (U.S. Patent No. 5,307,600) in view of CRIFE (U.S. Patent No. 3,261,625).

As to claim 1, SIMON, JR. ET AL. disclose a post and batten assembly for a wall panel system (the examiner notes that she is applying the Fig. 8 embodiment of SIMON, JR. ET AL., but refers to the Fig. 2 embodiment for details present yet not shown in Fig. 8 embodiment), comprising:

an elongated post (37) having a plurality of sides (top, bottom, left, right), at least one of said sides having an elongated groove (what retainer 34 is in or between 66, 66 in Fig. 2);

an elongated batten (34) having a central body (see 70 in Fig. 2) positioned in said elongated groove and attached (via screw 72 in Fig. 2) to said post (37), said

Art Unit: 3635

batten (34) having a pair of flanges (74, and unnumbered on opposite side of Fig. 2) extending opposite each other;

said batten central body (70) having an outer face, and defining an elongated, component-mounting cavity (cover 36 is shown in Fig. 2 closing opening of cavity) open at said outer face, and said cavity having a pair of elongated, inwardly facing inner shoulders (84, 84 in Fig. 2) astraddle said elongated cavity, said cavity and said inner shoulders being arranged and oriented to define a T-slot in said batten (34) "to receive and engage a T-bolt nut of a T-bolt fastener" (the structure of SIMON, JR. ET AL. is capable of performing the intended use within quotation marks);

SIMON, JR. ET AL. fail to explicitly disclose T-bolt nuts in said cavity of said batten central body, and T-bolts threadably connected to said T-bolt nuts for mounting components on said batten.

CRIFE disclose T-bolt nuts (76 in Fig. 12) in said cavity (53), and T-bolts (85) threadably connected to said T-bolt nuts (76) for mounting components (partition member 37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of SIMON, JR. ET AL. by including T-bolt nuts and T-bolts as taught by CRIFE in order to mount attachments to the post.

As to claim 2, SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose fasteners (72) connecting said elongated batten (34) to said post (27).

As to claim 3, SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) has a pair of outer shoulders (222, 222) astraddle said groove (between 222, 222), and said batten flanges (74, unnumbered) engage said outer shoulders (222, 222) of said post (37).

As to claim 4, SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose that at least one of said flanges extends beyond (both flanges extend past post 37 in Fig. 8) said post (37).

As to claim 5 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 3 as discussed above, and SIMON, JR. ET AL. also disclose that two opposite sides (top and bottom in Fig. 8) of said post (37) each have said elongated groove (between 222, 222) and a pair of said outer shoulders (222, 222) astraddle each said groove, and including a pair of said elongated battens (34, 34), each having a central body with an outer face, and a pair of flanges extending opposite each other at said outer face, and said flanges of said pair of battens extending beyond said post parallel to each other on at least one side of said post, to define a panel-receiving pocket (what 221, 221 on left and right-hand sides fit into) therebetween.

As to claim 6 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 5 as discussed above, and SIMON, JR. ET AL. also disclose that said flanges of said pair of battens (34, 34) extend beyond said post (37)

on two opposite sides of said post (37), parallel to each other, to define two panel-receiving pockets (what 221, 221 on left and right-hand sides fit into).

As to claim 7 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) has two sides (226 and mirror image on left-hand side in Fig. 8) opposite each other, adjacent to and orthogonal to said at least one side (top or bottom), at least one of said two opposite sides having a T-slot (slots opposite edge 225, 225 of panels 221, 221 in Fig. 8) therein.

As to claim 8 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) has four sides (top, bottom, left, right in Fig. 8), at least one (top or bottom) of said sides having said elongated groove (between 222, 222), and two of said sides having said T-slots (slots opposite edge 225, 225 of panels 221, 221 in Fig. 8).

As to claim 9 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), CATES ET AL. in view of CRIFE disclose the assembly of claim 7 as discussed above, and CATES ET AL. also disclose that said post has four sides, two (top and bottom) of said sides having said elongated grooves (between 222, 222), and the other two (left and right) of said four sides having said T-slots (slots opposite edges 225, 225 of panels 221, 221).

As to claim 13 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 5 as discussed above, and SIMON, JR. ET AL. also disclose a panel (221) in said panel-receiving pocket (between flanges of 34, 34 and side of post 37).

As to claim 14 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 13 as discussed above, and SIMON, JR. ET AL. also disclose that said panel (221) engages both said flanges (flanges of upper and lower 34 in Fig. 8) of said panel-receiving pocket (between flanges of 34, 34 and side of post 37).

As to claim 17, SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 4 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) also has a pair of oppositely extending flanges (ends of receptor arms 228, 228 perpendicular to 226) parallel to said batten flanges, said pairs of flanges (ends of receptor arms 228, 228 perpendicular to 226) defining two receiving pockets (pockets adjacent panels 221, 221) on opposite sides of said post (37).

As to claim 18 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose that said post has a door-closer-arm-receiving track ("track" that reference numeral "225" is located in in Fig. 8).

As to claim 19 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) has at least one laterally extending flange (228) forming a door stop.

As to claim 20, SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 4 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) has an integral flange (228) parallel to said batten flange to create a pocket (adjacent surface 223) therebetween.

As to claim 21 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and SIMON, JR. ET AL. also disclose an enclosure cap (see 36 in Fig. 2) attached over and covering at least part of said batten T-slot (what 36 is in in Fig. 2).

As to claim 31 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), CATES ET AL. in view of CRIFE disclose the assembly of claim 1 as discussed above, and CATES ET AL. also disclose that said central body (see 70 in Fig. 2) of said batten (34 in Fig. 8) further includes a fastener (see 72 in Fig. 2) extending therethrough, said elongated groove (between 222, 222) threadingly receiving said fastener (92) to attach said batten to said post (37).

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over SIMON, JR. ET AL. (U.S. Patent No. 5,307,600) in view of CRIFE (U.S. Patent No. 3,261,625), as applied to claim 9 above, and further in view of GAUTREAU (U.S. Patent No. 5,481,842).

As to claim 10 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 9 as discussed above, and SIMON, JR. ET AL. also disclose that said post (37) is a first post.

Neither SIMON, JR. ET AL. nor CRIFE disclose a connector block attached to said post on at least one of said other two sides, and a second post oriented orthogonally to said first post and having an end attached to said connector block so as to be indirectly connected to said first post.

GAUTREAU discloses a connector block (10) attached to said post (B₁) on at least one of said other two sides, and a second post (B₂) oriented orthogonally to said first post (B₁) and having an end attached to said connector block (10) so as to be indirectly connected to said first post (B₁).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of SIMON, JR. ET AL. in view of CRIFE by including a connector block to connect the post to another post as taught by GAUTREAU in order to sturdily connect perpendicular posts to each other.

As to claim 11 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE and

GAUTREAU disclose the assembly of claim 10 as discussed above, and GAUTREAU also discloses fasteners (19) attaching said end of said second post (B₂) to said connector block (10).

As to claim 12 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE and GAUTREAU disclose the assembly of claim 10 as discussed above, and the resulting assembly from the combination of SIMON, JR. ET AL. in view of CRIFE and GAUTREAU also discloses that wherein said connector block (10 of GAUTREAU) is within one of said receiving pockets (what 221, 221 are in in Fig. 8 of SIMON, JR. ET AL.) between a pair of said flanges (34, 34 of Fig. 8 of SIMON, JR. ET AL.).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over SIMON, JR. ET AL. (U.S. Patent No. 5,307,600) in view of CRIFE (U.S. Patent No. 3,261,625), as applied to claim 5 above, and further in view of the Fig. 5 embodiment of SIMON, JR. ET AL. (U.S. Patent No. 5,307,600).

As to claim 16 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of CRIFE disclose the assembly of claim 5 as discussed above, and SIMON, JR. ET AL. also disclose a pair of thin panels (208, 208 in Fig. 7) in said panel-receiving pocket, spaced from and parallel to each other, each panel (208) engaging a respective one of said flanges (74 of 34).

SIMON, JR. ET AL.'s Fig. 7 embodiment fails to explicitly disclose that said assembly includes a spacer clip between said panels and engaging both said panels.

SIMON, JR. ET AL.'s Fig. 5 embodiment discloses that it is well known to use a spacer clip (bracket 162) between said panels (152, 512) and engaging both said panels (152, 152).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of SIMON, JR. ET AL. in view of CRIFE by including a spacer clip as taught by SIMON, JR. ET AL.'s Fig. 5 embodiment in order to ensure that the panels remain spaced from each other.

Claims 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SIMON, JR. ET AL. (U.S. Patent No. 5,307,600) in view of CRIFE (U.S. Patent No. 3,261,625), as applied to claim 9 above, and further in view of GAUTREAU (U.S. Patent No. 5,481,842).

As to claim 22 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. disclose a post subassembly for a panel wall system (the examiner notes that she is applying the Fig. 8 embodiment of SIMON, JR. ET AL., but refers to the Fig. 2 embodiment for details present yet not shown in Fig. 8 embodiment), comprising:

a first elongated post (37 in Fig. 8) having four sides (top, bottom, left, and right) and two ends;

at least one (top or bottom) of said sides (top, bottom, left, right) having a groove (between 222, 222) "for receiving and mounting a batten (34)" (the structure of SIMON, JR. ET AL. is capable of performing the intended use between quotation marks), and at least one (left or right) of said sides (top, bottom, left, right) having an elongated T-slot (either of slots on left or right side of 37) "for receiving a T-bolt fastener" (the structure of SIMON, JR. ET AL. is capable of performing the intended use between quotation marks); and

a batten (34) mounted in said groove (between 222, 222) of said first post (37), said batten (34) having a flange (74) which extends over and thereby covers said connection between said panel (221) and said post (37).

SIMON, JR. ET AL. fails to explicitly disclose:

a second elongated post having four sides and two ends, at least one of said second post sides having a groove to receive a batten and having a T-slot, said second post being positioned normal to said first post, and T-bolts attaching said connector block, and thus said second post, to said first post;

said posts also having additional slots which extend through said ends, said slots being configured to receive threaded fasteners;

a first connector block on at least one of said second post ends, and threaded fasteners extending through said connector block and into said post slots;

said first connector block also having T-slots for attachment with T-bolts to a T-slot of a second post.

JONES discloses first and second elongated posts (36, 2) each having four sides and two ends, at least one of said second post (2) sides having a groove (37) "to receive a batten" (the structure of JONES is capable of performing the intended use between quotation marks) and having a T-slot (another 37), said second post (2) being positioned normal to said first post (36), and T-bolts (40) attaching said connector block (4), and thus said second post (2), to said first post (36);

said posts (36, 2) also having additional slots (39, 39) which extend through said ends (38, 38), said slots (39, 39) "being configured to receive threaded fasteners" (the structure of JONES is capable of performing the intended use between quotation marks);

a first connector block (4) on at least one of said second post (2) ends (38), and threaded fasteners (40) extending through said connector block (4) and into said post (2) slots (39);

said first connector block (4) also having T-slots (11) "for attachment with T-bolts to a T-slot of a second post" (the structure of JONES is capable of performing the intended use between quotation marks).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the post subassembly of SIMON, JR. ET AL. by connecting first and second perpendicular posts using a connector block as taught by JONES in order to provide a secure connection between perpendicular posts.

As to claim 23 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES

Art Unit: 3635

disclose the post subassembly of claim 22 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses a third post (36 of JONES) parallel to and spaced from said first post (36 of JONES), and normal to said second post (2 of JONES); said third post (36 of JONES) having at least one groove "to receive a batten" (the structure of JONES is capable of performing the intended use between quotation marks); a second connector block (4 of JONES) secured to the second end (38 of JONES) of said second post (2 of JONES) and having T-slots (11 of JONES); T-bolts (40 of JONES) securing said second connector block (4 of JONES) to said third post (36 of JONES), and thus said second post (2 of JONES) to said third post (36 of JONES); and a batten (34 of SIMON, JR. ET AL.) in said groove of said third post (36 of JONES), said third post batten (34 of SIMON, JR. ET AL.) having a flange (74 of SIMON, JR. ET AL.) which extends over and thereby covers the connection between the panel (221 of SIMON, JR. ET AL.) and post (37 of SIMON, JR. ET AL.) thus including said second connector block (4 of JONES).

As to claim 24 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 23 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses two battens (34, 34 of SIMON, JR. ET AL.) attached to each of said first, second and third posts (37 of SIMON, JR. ET AL. as modified by 36, 2, 36 of JONES) and having flanges (74 of SIMON, JR. ET AL.) extending laterally beyond said respective first, second and third posts; and at least one panel (221 of SIMON, JR. ET

AL.) having its edges retained adjacent said posts by and between said flanges (74 of SIMON, JR. ET AL.).

As to claim 25 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 22 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses that said groove “for receiving and mounting a batten of said first elongated post” (the structure of the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES is capable of performing the intended use between quotation marks) and said elongated T-slot “for receiving a T-bolt fastener of said first elongated post” (the structure of the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES is capable of performing the intended use between quotation marks) are on separate sides of said first elongated post (37 of SIMON, JR. ET AL. as modified by 36, 2, 36 of JONES).

As to claim 26 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 22 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses that said groove “for receiving and mounting a batten of said first elongated post” (the structure of the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES is capable of performing the intended use between quotation marks) and said elongated T-slot “for receiving a T-bolt fastener of said first

elongated post” (the structure of the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES is capable of performing the intended use between quotation marks) are on separate sides of said first elongated post (37 of SIMON, JR. ET AL. as modified by 36, 2, 36 of JONES), and said groove “to receive a batten on said side of said second elongated post” (the structure of the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES is capable of performing the intended use between quotation marks) and said T-slot of said second elongated post are on separate sides of said second elongated post.

As to claim 27 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 22 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses that said batten (34 of SIMON, JR. ET AL.) further includes a fastener (92 of SIMON, JR. ET AL.) extending therethrough “to mount said batten (34 of SIMON, JR. ET AL.) to said first elongated post (37 of SIMON, JR. ET AL.)” (the structure of the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES is capable of performing the intended use between quotation marks).

As to claim 28 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 27 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses that said batten (34 of SIMON, JR. ET AL.) further includes a central body (70

of SIMON, JR. ET AL.) positioned proximate said groove (between 222, 222 of SIMON, JR. ET AL.), said fastener (92 of SIMON, JR. ET AL.) extending through said central body (70 of SIMON, JR. ET AL.), said groove (between 222, 222 of SIMON, JR. ET AL.) threadingly receiving (in 206 of SIMON, JR. ET AL.) said fastener (92 of SIMON, JR. ET AL.) into said first elongated post (37 of SIMON, JR. ET AL.).

As to claim 29 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 22 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses that said T-slots (37 of JONES) of said first connector block (4 of JONES) includes an open end.

As to claim 30 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), SIMON, JR. ET AL. in view of JONES disclose the post subassembly of claim 22 as discussed above, and the resulting post subassembly from the combination of SIMON, JR. ET AL. in view of JONES also discloses that said T-slots (37 of JONES) of said first connector block (4 of JONES) include at least one closed end.

Allowable Subject Matter

Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

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/Gay Ann Spahn/
Gay Ann Spahn, Patent Examiner
March 31, 2008